**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION No.16826 OF 1996**

**ORAL ORDER:**

This writ petition is filed seeking a declaration that the alleged action of the respondents in attempting to dispossess the petitioners from the land situated in Sy.Nos.8/4; 8/5; and 8/6, Perala village, Chirala, to an extent of Ac.2.28 cents, without following due process of law as arbitrary and illegal.

The petitioners claim to have purchased the land in question under a registered sale deed. It is pleaded that they have been in possession and enjoyment of the said land from the date of purchase.

This Court while directing *Rule nisi,* by order dated 16.8.1996, granted interim stay of dispossession.

In the counter affidavit filed by the Mandal Revenue Officer, Chirala, it is stated that the land in question is a temple land and there are no permanent structures, as claimed by the petitioners. It is also pleaded that the said land was already resumed and pattas have been distributed to some of the victims, who lost their land for construction of a Rail Over Bridge at Chirala on the Independence day on 15.8.1996.

I have heard the learned counsel for the petitioners and the learned Government Pleader appearing for the respondents.

Though it is contended by the respondents that the sale in favour of the petitioners was invalid, there was no serious dispute about their possession. Even the pattas were said to have been granted on 15.8.1996, wheras this Court order stay of dispossession on 16.8.1996.

In the circumstances, without expressing any opinion as to the rival claims made by the parties and leaving it open to the petitioners to work out the appropriate common law remedy for declaration of their title and interest in respect of the land in question, the writ petition is disposed of with a direction to the respondents not to dispossess the petitioners from the land in question, without following due process of

law. No costs.

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**(G. ROHINI).**

19th December, 2006.
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**THE HON'BLE Ms. JUSTICE G. ROHINI**

**WRIT PETITION No.16826 OF 1996**

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19th December, 2006.

Between:

Varlagadda Butchimamba and others. .. Petitioners.

And

The Mandal Revenue Officer, Chirala, Prakasam District, Ongole and others. .. Respondents.